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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)

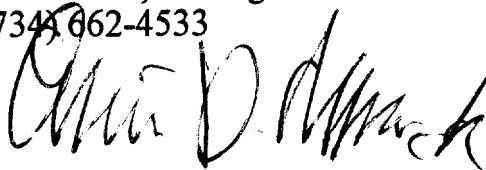
Biennial Regulatory Review -- Amendment)
of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90,)
95, 97, and 101 of the Commission's Rules)
to Facilitate the Development and Use of)
the Universal Licensing System in the)
Wireless Telecommunications Services)

WT Docket 98-20

**Reply Comments Filed in Response to a
Notice of Proposed Rule Making**

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Executive Summary

The Personal Radio Steering Group again commends the Federal Communications Commission for initiating this Proposal to implement the Universal Licensing System (ULS). This revision of the licensing process is long overdue.

We note that the comments filed in this NPRM show total public *opposition* to the other radical policy changes that the FCC proposed in the *NPRM*.

The FCC should proceed with *only* those changes that we identified in our *Comments*, and should abandon all other proposals for change to the FCC Rules governing the General Mobile Radio Service.

I. Background of the Commenter.

The Personal Radio Steering Group, Inc. (PRSG) is an all-volunteer, not-for-profit corporation established in 1980 by licensees in the General Mobile Radio Service (GMRS, FCC Part 95A) to provide services to and to serve as an advocate for the GMRS personal-use community.

The PRSG filed extensive comments to the *NPRM*, and submits these replies to comments filed by other parties.

II. General Observations about Comments Filed to the *NPRM*.

More than two dozen parties filed comments to the *NPRM*. These parties represent a rich sampling of current GMRS users, including a diversity of locations (from New England to California) and a diversity of user types (personal and family users, public service teams, and small businesses including a provider of repeater services to the GMRS user community). Comments were also filed representing *prospective* users considering GMRS among other communications alternatives.

There is *a common thread* throughout *all* of these comments: **The *NPRM* goes way too far in its proposals to radically alter the current GMRS rules.**

Current and prospective GMRS users are very concerned about the *negative impact* that the proposed rules would have on GMRS operations. Many complain *vigorously* and with considerable experience from other personal radio services (such as Amateur Radio and Citizens Band Radio) of the FCC's proposed abandonment of well-established policies that have a track record of more than *a half century* of success.

III. Commenters Generally Support Simplification of the Licensing Process.

Except for those parties so upset by the proposals for radical change to the current GMRS rules that they wish to see *no changes whatsoever*, most commenters supported simplifying the current licensing process in a manner consistent with the changes that the PRSG proposed in our own comments.¹ Many, including Cochran², Forrest³, Parrish⁴, Schweizer⁵ and Silver⁶ point out that collecting the information currently required in the licensing process, and then making the FCC database available to the public, are necessary for the continuing self-coordination required by the rules, and for identifying parties in order to resolve interference.

Krystof⁷ fears that adoption of the proposed rules would open up use of GMRS channels by parties not aware of or complying with the requirement for self-coordination. Yordan⁸ argues that

“The comprehensive regulations and thorough application procedure currently in place are the only means to insure that the GMRS frequencies will remain as a safe and effective communications environment”

Many (for instance Butlien⁹) see the changes proposed in the *NPRM* as “a prelude of delicensing,” an action amply demonstrated in this Docket and in prior FCC proposals as being substantially opposed by the GMRS user community. Burtner¹⁰ also opposes the trend toward delicensing. Davis¹¹ argues (and many others imply) that the current licensing system keeps out potential abusers of GMRS spectrum.

1 *Comments* filed by the Personal Radio Steering Group Inc.

2 *Comments* filed by Kerry Cochran on behalf of himself, and *Comments* also filed on behalf of of REACT of the Golden Gate Inc.

3 *Comments* filed by Gregory Forrest on behalf of himself and eight other licensed GMRS users.

4 *Comments* filed by Kevin Parrish.

5 *Comments* filed by Michael Schweizer.

6 *Comments* filed by Alton Silver.

7 *Comments* filed by Gary Krystof.

8 *Comments* filed by Dr. Robert Yordan.

9 *Comments* filed by David Butlien.

10 *Comments* filed by James Burtner.

11 *Comments* filed by Jonathan Davis.

Webber¹² supports simplifying licensing only for those stations operating with less than 5 watts, a position consistent with the PRSG recommendations. Webber is even willing to see the current licensing fee as much as doubled to support retention of the current licensing process.

Vandercook¹³, a *prospective* GMRS applicant, points out that he needs access to the licensing database in order to identify existing users and to chose the best operating channel for which to apply.

PRSG has long recommended simplifying the licensing process, and creating a two-tiered system. In this system, a simplified application form could be used for applicants seeking authorization to operate no more than mobile stations and small base or small control stations. Essentially the current requirements would be retained for applicants requesting authorization to operate any *mobile relay station* or any *conventional* base or control station, the kinds of stations that have the greatest impact on GMRS spectrum.

IV. Commenters Vigorously Oppose Permitting the Use of the 467 MHz GMRS Frequencies for Anything Except Repeater Inputs.

Many parties (including Butlien, Forrest and Silver, previously cited) commented on the proposal to remove the current restrictions on the use of the 467 MHz GMRS frequencies. Hilke¹⁴ found this proposal "particularly onerous." Kobb¹⁵ described this change as "unconscionable" in light of the rampant interference caused to repeaters nationwide before the FCC implemented this restriction a decade ago.

12 *Comments* filed by Melvin Webber.

13 *Comments* filed by G. Vandercook.

14 *Comments* filed by Ronald Hilke.

15 *Comments* filed by Bennett Kobb.

Parrish, Schweizer and Trahos¹⁶ all also echoed this prior experience. Kobb points out that "The NPRM nowhere articulates its reason for retracting that critical Commission finding"¹⁷ that input-simplex should be prohibited.

V. Commenters Oppose Removing the Current Restrictions on Points of Communications.

Many commenters expressed opinions agreeing with the PRSG position that removal of the points-of-communications restrictions in the current rules would compromise the intent of GMRS to be a *mobile-oriented radio service*. Leef¹⁸ found the "proposed changes to 95.53 through 95.59 (to be) particularly objectionable." Webber agrees, pointing out that removal of point-to-point restrictions "would be detrimental to the mobile and low powered portable users."

Cochran and Butlien fear that removal of these sections would open up GMRS for long-distance "DX-type" communications. Forrest and PRSG recommend that the intent of the current rules be preserved, but that the rules could be simplified. Both Forrest and PRSG provided specific language.

VI. Some Commenters Support Expanding Current Channel Assignments.

The *NPRM* proposes to permit GMRS licensees to operate on *any* channel. There was also nearly universal opposition to this proposal. PRSG proposed that the FCC might consider making all channels available (beyond the current maximum of two authorized on the license), but *only* for mobile stations and *only* for emergency and traveler assistance communications. Webber supported a similar provision.

Butlien complains that

"(O)pening up all channels to all users would encourage those 'heavy users' who currently make one frequency unusable in a particular area, to make them all unusable."

16 *Comments* filed by Dr. Michael Trahos on behalf of the Regional 20 Public Safety Review Committee of the Legislative/Regulatory Affairs Committee.

17 Kobb *Comments* referring to the *Report and Order*, PRB Docket 87-265, at paragraph 56, as also quoted in the PRSG *Comments* at IX.

18 *Comments* filed by Robert Leef.

Forrest supports all-channel operations for mobile operations, but *only* for personal licensees. He would require that the applicant must specify this all-channel capability on the application. Forrest also supports all-channel operation for small base stations.

We disagree with Forrest on some of these recommendations. If the FCC were to permit all-channel operation by mobile stations but only for emergency and traveler-assistance communications, we believe this should be done by rule (as does the current 95.29(e)). We also note that small base stations are already eligible to operate on *any* of the GMRS 462 MHz frequencies. We believe this current flexibility is sufficient for small base stations.

Galbreath¹⁹ says there

“is some virtue in allowing licensees to use more pairs of channels, *if they can be controlled*” [*Emphasis added.*]

but provides no explanation of how to *control* such use.

Mendelson²⁰ opposes all-channel operations because

“This (all-channel) proposal will adversely affect our operation, with no benefit to current users.”

Leef points out that

“There is no proven defect in the system that would indicate the proposed all-channel use to be a solution. ... (A)ll-channel operation could create a group of anonymous users who float from one channel to another.”

In the PRSG *Comments*, we said we would support expanding the current “two-plus-675” concept to a “two-plus-any-for-emergencies and traveler assistance” policy, but *only* if there was substantial support from the GMRS user community. *Some* of the comments filed supported this expansion, and we reluctantly conclude that the FCC could consider expanding to this “two-plus-any” policy, but strictly *only* for true emergencies and traveler assistance.

19 *Comments* filed by James Galbreath on behalf of Blackberry REACT.

20 *Comments* filed by Richard Mendelson, a member of Nassau County REACT Inc.

VII. Commenters Agree on Retaining Restrictions for Control Stations.

PRSG recommended that the FCC retain the current restrictions on control stations, and extend the 5 Watt ERP limitation to *all* small control stations, including those *not* within large urban areas. Commenters addressing this topic generally expressed preferences consistent with the PRSG position.

Mendelson is concerned about high power control stations "overpower(ing) our mobile units, especially those relying on portable hand held radios." He also fears that "(A)dditional high-powered non-directional stations will likely increase co-channel radio interference."

Parrish also fears that elimination of current restrictions on power and antenna directivity "would cause harmful or destructive interference to co-channel users over wide operational areas."

Forrest agrees that a 5 Watt ERP limitation should apply to *all* small control stations, and would retain the current Appendix A-related requirements for any conventional (not small) control stations. PRSG concurs with Forrest. If an applicant can demonstrate a need for a conventional control station within a large urban area, then the FCC should require that he/she meet the power-reduction and antenna-directivity requirements of the current rules. If the FCC continues reference to large urban areas, then the current Appendix A would need to be retained.

VIII. Commenters Propose Elimination of Fixed Stations.

PRSG and Forrest proposed that the FCC eliminate all reference to *fixed stations*, since such operations are inherently inconsistent with the intent of GMRS for *mobile-oriented* operation.

IX. Commenters Oppose Permitting Use of Mobile Relay Stations Without Permission.

Many commenters (including Parrish, Schweizer and Webber) oppose deletion of the current requirements that parties wishing to communicate through a mobile relay station must have the permission of the station's licensee. Cochran points out that this rule change would discourage repeater operators from making their stations available for emergency use. Galbreath characterizes allowing someone "to use another person's repeater without permission ... an outrageous idea."

Leef "equate(s) this with strangers trespassing on my private property. This would be a serious assault on my ownership rights."

Farley²¹, a commercial vendor that provides GMRS repeater services to local GMRS licensees for personal and public service team use, believes that deletion of rules requiring repeater owner permission would discourage providers of repeater services, and would result in less opportunity for emergency communications.

Kobb complains that with the deletion of these rules, "the NPRM threatens to revoke from repeater licensees all authority to deny others permission to use their stations - in direct contravention of long-standing FCC policy."

Trahos observes that

"Such unauthorized operations would be intolerable in Public-safety operations and could affect the prompt delivery and rendition of medical/emergency services to the public."

X. Many Commenters Object to Including Proposals for Radical Reform in a Docket Concerning Desirable Implementation of the Universal Licensing System.

Cochran, Forrest, Riechel and Schweizer oppose use of a docket supposedly concerned with implementing the ULS also being used to impose radical changes in current GMRS rules. Silver

"see(s) a hidden agenda. To sabotage the GMRS to the point that no user will be able to use the service."

Hilke believes that

"(w)ith the changes you propose, you are going to allow unscrupulous radio operators an opportunity to devastate the GMRS band."

Butlien correctly points out that there is no other spectrum alternative than GMRS for repeater-based personal and family communications.

21 *Comments* filed by Don Farley, Vice President of Durham Communications Inc.

Rosenthal²² believes that

“Easing the regulations on GMRS use will allow, and even encourage, people currently using CB to switch to GMRS but continue with the same practices currently in use on CB.”

XI. Commenters Desire Some Continuing Method to File Paper-Based GMRS Applications.

Several commenters (including Leef and Riechel²³) point out that some GMRS applicants lack now and into the foreseeable future any means of submitting electronic applications. They believe that the FCC should retain some form of a paper-based applications process similar to that now in use.

XII. In Conclusion:

PRSG concludes that the FCC should implement the Universal Licensing System, but that the ULS must not abandon the collecting the kind of information required by the current licensing system for major GMRS stations such as mobile relay stations and conventional base and control stations. In our own *Comments* we provided constructive alternatives to the *NPRM*'s proposed language.

However, we continue to vigorously object to the use of this rulemaking action to impose **radical and disruptive changes to long-established Commission policy on spectrum use**. PRSG requests that *all* facets of the current *NPRM* not directly and exclusively related to the development and implementation of the ULS be removed from consideration in this Docket.

22 *Comments* filed by Mark Rosenthal.

23 *Comments* filed by Robert Riechel.